UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

<u>Ex parte</u> KOSKELAINEN et al.

METHOD AND SYSTEM FOR PROVISIONING SERVICES TO A TERMINAL

Serial No. 10/079,426
Appeal No.:
Group Art Unit: 2141

Enclosed is a check in the amount of Six Hundred Thirty Dollars ($630.00) to cover the official fee for this Appeal Brief, and one month extension fee. In the event that there may be any fees due with respect to the filing of this paper, please charge Deposit Account No. 50-2222.
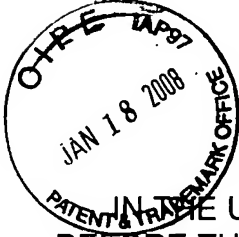
Majid S. AlBassam
Attorney for Appellant(s)
Reg. No. 54,749

SQUIRE, SANDERS & DEMPSEY LLP
8000 Towers Crescent Drive, 14th Floor
Tysons Corner, VA 22182-2700

Atty. Docket: 060282.00294

MSA/jf

Encls: Check No. 17955
Appeal Brief

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Appellant:

Petri KOSKELAINEN et al.   Appeal No.:

Serial Number: 10/079.426   Group Art Unit: 2141

Filed: February 22, 2002   Examiner: Nicholas R. Taylor

For: METHOD AND SYSTEM FOR PROVISIONING SERVICES TO A TERMINAL

BRIEF ON APPEAL

January 18, 2008

I. INTRODUCTION

This is an appeal from the final rejection set forth in an Official Action dated March
19, 2007, finally rejecting claims 60-93, all of the claims pending in this application, as
being unpatentable over Cook (U.S. Patent No. 6,697,806), Davis (U.S. Patent
Application Publication No. 2003/0041146), and Nguyen (U.S. Patent Application
Publication No. 2003/0005132). A Request for Reconsideration was timely filed on July
18, 2007. An Advisory Action was issued on August 2, 2007, indicating that the request
for reconsideration has been considered but does not place the application in condition
for allowance. A Notice of Appeal and Pre-Appeal Brief Request for Review were timely
filed on September 12, 2007 with a petition for Extension of Time. A Notice of Panel
Decision from Pre-Appeal Brief Review was issued on November 20, 2007. The Notice
of Panel Decision indicated that the application remains under appeal because there is
at least one actual issue for appeal. This Appeal Brief is being timely filed.

II. REAL PARTY IN INTEREST

The real party in interest in this application is Nokia Corporation of Espoo, Finland.

III. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no known related appeals and/or interferences which will directly effect or be directly effected by or have a bearing on the Board's decision in this appeal.

IV. STATUS OF CLAIMS

Claims 1-59 have been canceled. Claims 60-93, all of the claims currently pending in the present application are the subject of this appeal. Claims 60-63, 66-77, 80-87, and 90-93 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,806 of Cook ("Cook"). Claims 64-65 and 78-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0041146 of Davis et al. ("Davis"). Claims 88-89 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0005132 of Nguyen et al. ("Nguyen").

V. STATUS OF AMENDMENTS

No amendments were made after the final rejection.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 60, upon which claims 61-73 are dependent, recites a method which includes requesting, by a terminal, a specified service to be at a disposition of said

terminal (Specification, page 4, lines 19-21, page 11, lines 5-6, 20-22, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The terminal is configured to perform communication via at least one communication network, and each network is equipped with service processing entities (Specification, page 4, lines 15-18). The method further includes analyzing the request by an analyzing entity associated with the at least one communication network (Specification, page 4, lines 21-22, page 11, lines 7-19, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The analyzing entity is configured to be associable with a plurality of communication networks (Specification, page 11, lines 7-11). The method also includes deciding, by the analyzing entity, that the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network (Specification, page 4, lines 23-26, page 14, line 26 – page 15, line 1, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). In response to said decision, routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network (Specification, page 4, line 26 – page 5, line 1, page 15, lines 1-11, Fig. 1, step S13).

Claim 74, upon which claims 75-89 are dependent, recites a system including a request unit, at a terminal, configured to request a specified service to be at a disposition of said terminal (Specification, page 5, lines 6-8, page 11, lines 5-6, 20-22, page 17, lines 6-8, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The terminal is configured to perform communication via at least one communication network, and each network is equipped with service processing entities (Specification, page 5, lines 3-6). The system also includes an analyzing entity associated with said at least one communication

3

network configured to analyze the request, and configured to be associable with a plurality of communication networks (Specification, page 5, lines 8-10, page 11, lines 7-19, page 17, lines 8-9, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The system further includes a decision unit, at the analyzing entity, configured to decide that the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network (Specification, page 5, lines 10-13, page 14, line 26 – page 15, line 1, page 17, lines 10-13, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The system also includes a routing unit, responsive to the decision unit, configured to route communication messages associated with the terminal via the analyzing entity to the specific one of the service processing entities within the specified communication network (Specification, page 5, lines 14-17, page 15, lines 1-11, page 17, lines 13-17, Fig. 1, step S13).

Claim 90 recites an analyzing entity including a receiver configured to receive a request for a specified service to be at a disposition of a terminal (Specification, page 5, lines 6-8, page 11, lines 5-6, 20-22, page 17, lines 6-8, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The terminal is configured to perform communication via at least one communication network, and each network is equipped with service processing entities (Specification, page 4, lines 15-18). The analyzing entity further includes a processor configured to analyze the request, and a decider configured to decide whether the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network (Specification, page 5, lines 8-13, page 11, lines 7-19, page 14, line 26 – page 15, line 1, page 17, lines 8-13, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The analyzing entity also includes

4

a router, configured, in response to a decision of the decider, to route communication messages associated with the terminal to the specified service processing entity within the specified communication network (Specification, page 5, lines 14-17, page 15, lines 1-11, page 17, lines 13-17, Fig. 1, step S13). The analyzing entity is associated with said at least one communication network, and configured to be associable with a plurality of communication networks (Specification, page 5, lines 8-9).

Claim 91 recites a terminal including requesting means for sending a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with the at least one communication network for analyzing the request (Specification, page 4, lines 19-21, page 11, lines 5-6, 20-22, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The analyzing entity is configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network (Specification, page 5, lines 8-13, page 11, lines 7-19, page 14, line 26 – page 15, line 1, page 17, lines 8-13, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The terminal also includes sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity (Specification, page 4, line 26 – page 5, line 1, page 5, lines 14-17, page 15, lines 1-11, Fig. 1, step S13). The terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities (Specification, page 4, lines 16-19).

5

Claim 92 recites a system, which includes requesting means, at a terminal, for requesting a specified service to be at a disposition of said terminal, wherein said terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities (Specification, page 4, lines 15-21, page 11, lines 5-6, 20-22, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The system also includes an analyzing entity associated with said at least one communication network for analyzing said request, said analyzing entity configured to be associable with a plurality of communication networks (Specification, page 4, lines 21-22, page 11, lines 7-19, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34). The system further includes deciding means, at said analyzing entity, for deciding that said requested specified service is associated with a specific one of said service processing entities of a specific one of said at least one communication network (Specification, page 4, lines 23-26, page 14, line 26 – page 15, line 1, Fig. 1, step S12, Fig. 2, step S22, Fig. 3, step S34), and routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network (Specification, page 4, line 26 – page 5, line 1, page 15, lines 1-11, Fig. 1, step S13).

Claim 93 recites a terminal including a requesting entity configured to send a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with said at least one communication network for analyzing the request, said analyzing entity configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network

6

(Specification, page 4, lines 19-21, page 11, lines 5-6, 20-22, Fig. 1, step S11, Fig. 2, step S21, Fig. 3, step S31). The terminal also includes a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity (Specification, page 4, line 26 – page 5, line 1, page 5, lines 14-17, page 15, lines 1-11, Fig. 1, step S13). The terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities (Specification, page 4, lines 16-19).

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are the rejection of claims 60-63, 66-77, 80-87, and 90-93 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,806 of Cook ("Cook"), the rejection of claims 64-65 and 78-79 under 35 U.S.C. §103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0041146 of Davis et al. ("Davis"), and the rejection of claims 88-89 under 35 U.S.C. §103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0005132 of Nguyen et al. ("Nguyen").

VIII. APPELLANT'S ARGUMENTS

Appellants respectfully submit that each of pending claims 60-93 recites subject matter that is not taught, disclosed, or suggested by the cited art. Each of the claims is being argued separately, and thus, each of the claims stands or falls alone.

A. Claims 60-63, 66-77, 80-87, and 90-93 are novel in view Cook

In the final Office Action, claims 60-63, 66-77, 80-87, and 90-93 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,806 of Cook ("Cook"). Appellants submit that each of claims 60-63, 66-77, 80-87, and 90-93 recite subject matter that is not taught or disclosed by Cook, and as such, the Board's reversal of the rejection is respectfully requested.

1) Claim 60

Claim 60 recites a method which includes requesting, by a terminal, a specified service to be at a disposition of said terminal. The terminal is configured to perform communication via at least one communication network, and each network is equipped with service processing entities. The method further includes analyzing the request by an analyzing entity associated with the at least one communication network. The analyzing entity is configured to be associable with a plurality of communication networks. The method also includes deciding, by the analyzing entity, that the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network. In response to said decision, routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network.

Appellants respectfully submit that claim 60 recites subject matter which is neither disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication

8

networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then generates an authorization query for a second database system external to the local database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 60. For

example, Cook fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 60.

Thus, according to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access

10

network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 60.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "each network being equipped with service processing entities," as recited in claim 60. The final Office Action appears to have taken the position that the plurality of service processing entities of the present

11

invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Cook does not disclose or suggest, however, that service networks 530 and 540 are equipped with service processing entities.

Therefore, for at least the reasons discussed above, Appellants submit that Cook fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities," as recited in claim 60. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 60. As such, reconsideration and withdrawal of the rejection is respectfully requested.

2) Claim 61

Claim 61 is dependent upon claim 60, and recites further limitations. Thus, claim 61 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

3) Claim 62

Claim 62 is dependent upon claim 60, and recites further limitations. Thus, claim 62 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

<u>4) Claim 63</u>

Claim 63 is dependent upon claim 60, and recites further limitations. Thus, claim 63 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

<u>5) Claim 66</u>

Claim 66 is dependent upon claim 60, and recites further limitations. Thus, claim 66 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

<u>6) Claim 67</u>

Claim 67 is dependent upon claim 60, and recites further limitations. Thus, claim 67 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

<u>7) Claim 68</u>

Claim 68 is dependent upon claim 60, and recites further limitations. Thus, claim 68 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

<u>8) Claim 69</u>

Claim 69 is dependent upon claim 60, and recites further limitations. Thus, claim 69 is patentable at least for the reasons claim 60 is patentable, and further, because it

recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

9) Claim 70

Claim 70 is dependent upon claim 60, and recites further limitations. Thus, claim 70 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

10) Claim 71

Claim 71 is dependent upon claim 60, and recites further limitations. Thus, claim 71 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

11) Claim 72

Claim 72 is dependent upon claim 60, and recites further limitations. Thus, claim 72 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

12) Claim 73

Claim 73 is dependent upon claim 60, and recites further limitations. Thus, claim 73 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

13) Claim 74

Claim 74 recites a system including a request unit, at a terminal, configured to request a specified service to be at a disposition of said terminal. The terminal is configured to perform communication via at least one communication network, and each network is equipped with service processing entities. The system also includes an analyzing entity associated with said at least one communication network configured to analyze the request, and configured to be associable with a plurality of communication networks. The system further includes a decision unit, at the analyzing entity, configured to decide that the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network. The system also includes a routing unit, responsive to the decision unit, configured to route communication messages associated with the terminal via the analyzing entity to the specific one of the service processing entities within the specified communication network.

Appellants respectfully submit that claim 74 recites subject matter which is neither disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access

15

communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then generates an authorization query for a second database system external to the local database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 74. For example, Cook fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 74.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a

16

specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network

17

device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 74.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "each network being equipped with service processing entities," as recited in claim 74. The final Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Thus, blocks 530 and 540 in Figure 4 of Cook are networks, not service processing

entities. Furthermore, Cook does not disclose or suggest that service networks 530 and 540 are equipped with service processing entities.

Therefore, for at least the reasons discussed above, Appellants submit that Cook fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities," as recited in claim 74. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 74. As such, reconsideration and withdrawal of the rejection is respectfully requested.

14) Claim 75

Claim 75 is dependent upon claim 74, and recites further limitations. Thus, claim 75 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

15) Claim 76

Claim 76 is dependent upon claim 74, and recites further limitations. Thus, claim 76 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

16) Claim 77

Claim 77 is dependent upon claim 74, and recites further limitations. Thus, claim

77 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

17) Claim 80

Claim 80 is dependent upon claim 74, and recites further limitations. Thus, claim 80 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

18) Claim 81

Claim 81 is dependent upon claim 74, and recites further limitations. Thus, claim 81 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

19) Claim 82

Claim 82 is dependent upon claim 74, and recites further limitations. Thus, claim 82 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

20) Claim 83

Claim 83 is dependent upon claim 74, and recites further limitations. Thus, claim 83 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

21) Claim 84

Claim 84 is dependent upon claim 74, and recites further limitations. Thus, claim 84 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

22) Claim 85

Claim 85 is dependent upon claim 74, and recites further limitations. Thus, claim 85 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

23) Claim 86

Claim 86 is dependent upon claim 74, and recites further limitations. Thus, claim 86 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

24) Claim 87

Claim 87 is dependent upon claim 74, and recites further limitations. Thus, claim 87 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

25) Claim 90

Claim 90 recites an analyzing entity including a receiver configured to receive a request for a specified service to be at a disposition of a terminal. The terminal is

configured to perform communication via at least one communication network, and each network is equipped with service processing entities. The analyzing entity further includes a processor configured to analyze the request, and a decider configured to decide whether the requested specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network. The analyzing entity also includes a router, configured, in response to a decision of the decider, to route communication messages associated with the terminal to the specified service processing entity within the specified communication network. The analyzing entity is associated with said at least one communication network, and configured to be associable with a plurality of communication networks.

Appellants respectfully submit that claim 90 recites subject matter which is neither disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then generates an authorization query for a second database system external to the local

database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 90. For example, Cook fails to disclose or suggest "a router, configured, in response to a decision of the decider, to route communication messages associated with said terminal to said specified service processing entity within said specified communication network," as recited in claim 90.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the

communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated

24

are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "a router, configured, in response to a decision of the decider, to route communication messages associated with said terminal to said specified service processing entity within said specified communication network," as recited in claim 90.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "each network being equipped with service processing entities," as recited in claim 90. The final Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Thus, blocks 530 and 540 in Figure 4 of Cook are networks, not service processing entities. Furthermore, Cook does not disclose or suggest that service networks 530 and 540 are equipped with service processing entities.

Therefore, for at least the reasons discussed above, Appellants submit that Cook

25

fails to disclose or suggest "a router, configured, in response to a decision of the decider, to route communication messages associated with said terminal to said specified service processing entity within said specified communication network," and "each network being equipped with service processing entities," as recited in claim 90. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 90. As such, reconsideration and withdrawal of the rejection is respectfully requested.

26) Claim 91

Claim 91 recites a terminal including requesting means for sending a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with the at least one communication network for analyzing the request. The analyzing entity is configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network. The terminal also includes sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity. The terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities.

Appellants respectfully submit that claim 91 recites subject matter which is neither disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then generates an authorization query for a second database system external to the local database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 91. For example, Cook fails to disclose or suggest "sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity," as recited in claim 91.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the

service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been

29

routed to the specific service processing entity by the analyzing entity," as recited in claim 91.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "the network being equipped with service processing entities," as recited in claim 91. The final Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Thus, blocks 530 and 540 in Figure 4 of Cook are networks, not service processing entities. Furthermore, Cook does not disclose or suggest that service networks 530 and 540 are equipped with service processing entities.

Therefore, for at least the reasons discussed above, Appellants submit that Cook fails to disclose or suggest "a sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity," and "the network being equipped with service processing entities," as recited in claim 91. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 91. As such, reconsideration and withdrawal of the rejection is respectfully requested.

27) Claim 92

Claim 92 recites a system, which includes requesting means, at a terminal, for

requesting a specified service to be at a disposition of said terminal, wherein said terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities. The system also includes an analyzing entity associated with said at least one communication network for analyzing said request, said analyzing entity configured to be associable with a plurality of communication networks. The system further includes deciding means, at said analyzing entity, for deciding that said requested specified service is associated with a specific one of said service processing entities of a specific one of said at least one communication network, and routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network.

Appellants respectfully submit that claim 92 recites subject matter which is neither disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then

generates an authorization query for a second database system external to the local database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 92. For example, Cook fails to disclose or suggest "routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 92.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is

32

associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

33

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," as recited in claim 92.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "each network being equipped with service processing entities," as recited in claim 92. The final Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Thus, blocks 530 and 540 in Figure 4 of Cook are networks, not service processing entities. Furthermore, Cook does not disclose or suggest that service networks 530 and 540 are equipped with service processing entities.

34

Therefore, for at least the reasons discussed above, Appellants submit that Cook fails to disclose or suggest "routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities," as recited in claim 92. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 92. As such, reconsideration and withdrawal of the rejection is respectfully requested.

28) Claim 93

Claim 93 recites a terminal including a requesting entity configured to send a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with said at least one communication network for analyzing the request, said analyzing entity configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network. The terminal also includes a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity. The terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities.

Appellants respectfully submit that claim 93 recites subject matter which is neither

35

disclosed nor suggested by Cook.

Cook discloses an access communication system which provides access between a user system and a plurality of communication networks. The plurality of communication networks provide services to a user in the user system. An access communication system includes a local database system and an access server that is connected to the user system and the plurality of communication networks. The local database system receives a user logon. The local database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The local database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system. The local database system then generates an authorization query for a second database system external to the local database system in response to the determination that the user is not allowed access based on the local database system. The local database system receives and processes an authorization response indicating whether the user is allowed to use the access system from the second database system. The local database system then provides access to the access communication system to the user in response to the authorization response that allows the user to use the access communication system.

Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the "identical invention must be shown in as complete detail as is contained in the...claim" Richardson v. Suzuki Motor Co., 868 F.2d 1226,

1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 93. For example, Cook fails to disclose or suggest "a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity," as recited in claim 93.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity's decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication

messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network 520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The final Office Action appears to have taken the position that a service provider corresponds to the service processing entities of the claimed invention. Appellants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest "a sending entity configured to send messages regarding the specified service to the specific service processing entity within

38

the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity," as recited in claim 93.

Additionally, since Cook does not disclose a service processing entity, Appellants respectfully submit that Cook cannot disclose or suggest "the network being equipped with service processing entities," as recited in claim 93. The final Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that "those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks" (Cook, Column 9, lines 26-29). Thus, blocks 530 and 540 in Figure 4 of Cook are networks, not service processing entities. Furthermore, Cook does not disclose or suggest that service networks 530 and 540 are equipped with service processing entities.

Therefore, for at least the reasons discussed above, Appellants submit that Cook fails to disclose or suggest "a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity," and "the network being equipped with service processing entities," as recited in claim 93. Accordingly, Appellants respectfully assert that the final Office Action failed to establish a prima facie case for anticipation as Cook fails to disclose each and every element of claim 93. As such, reconsideration and withdrawal of the rejection is respectfully requested.

B. Claims 64-65 and 78-79 are not obvious in view of Cook and Davis

In the final Office Action, claims 64-65 and 78-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0041146 of Davis et al. ("Davis"). The Office Action took the position that Cook discloses all of the elements of the claims, with the exception of the identifier being carried in the header of the request message. The Office Action then cited Davis as allegedly disclosing this element of the claims. Appellants submit that each of claims 64-65 and 78-79 recite subject matter that is not disclosed or suggested by the combination of Cook and Davis, and as such, the Board's reversal of the rejection is respectfully requested.

1) Claim 64

Appellants respectfully submit that claim 64 recites subject matter which is neither disclosed nor suggested by the combination of Cook and Davis, and therefore, the Board's reversal of the rejection is respectfully requested.

Cook is discussed above. Davis discloses a method of connection allocation. The method includes determining that a datagram arriving at an interface between a network and an edge resource is the initial datagram in a sequence of datagrams associated in a common session as to which a new connection is requested, and providing a table of values indicating the probability that a new connection will be allowed for each of a plurality of pipes. Davis further discloses determining the pipe membership of a determined initial datagram by testing Quality of Service bits in the datagram and selecting from the provided table a probability value corresponding to the determined pipe membership of the determined initial datagram, and determining from the selected probability value whether establishment of a new connection will be allowed for the

40

associated session and selectively acknowledging the determined initial datagram and allowing a new connection for the associated session based upon the determination of whether a new connection will be allowed.

Claim 64 is dependent upon claim 60, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 60. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities." Thus, claim 64 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

2) Claim 65

Claim 65 is dependent upon claim 60, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 60. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities." Thus, claim 65 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

3) Claim 78

Claim 78 is dependent upon claim 74, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 74. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities." Thus, claim 78 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

4) Claim 79

Claim 79 is dependent upon claim 74, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 74. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities." Thus, claim 79 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

C. Claims 88 and 89 are not obvious in view of Cook and Nguyen

In the final Office Action, claims 88-89 were rejected under 35 U.S.C. 103(a) as

being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0005132 of Nguyen et al. ("Nguyen"). The Office Action took the position that Cook discloses all of the elements of the claims, with the exception of the request message being configured to be transported using the session initiation protocol. The Office Action then cited Nguyen as allegedly curing this deficiency in Cook. Appellants submit that each of claims 88 and 89 recite subject matter that is not disclosed or suggested by the combination of Cook and Nguyen, and as such, the Board's reversal of the rejection is respectfully requested.

1) Claim 88

Appellants respectfully submit that claim 88 recites subject matter which is neither disclosed nor suggested by the combination of Cook and Nguyen, and therefore, the Board's reversal of the rejection is respectfully requested.

Cook is discussed above. Nguyen is directed to distributed service creation and distribution. Nguyen, in response to receiving a query for a particular service, identifies a provider of the particular service to the network connected device by a director service utility. The network connected device may then contact the service provider directly and receive an application (i.e. an executable file) for accessing the particular data network service.

Claim 88 is dependent upon claim 60, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 60. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said

43

specified communication network," and "each network being equipped with service processing entities." Thus, claim 88 is patentable at least for the reasons claim 60 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

2) Claim 89

Appellants respectfully submit that claim 88 recites subject matter which is neither disclosed nor suggested by the combination of Cook and Nguyen, and therefore, the Board's reversal of the rejection is respectfully requested.

Claim 89 is dependent upon claim 74, and recites additional limitations. As outlined above, Cook does not disclose or suggest all of the limitations of claim 74. Furthermore, Davis does not cure the deficiencies of Cook, as Davis also fails to disclose or suggest "a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network," and "each network being equipped with service processing entities." Thus, claim 89 is patentable at least for the reasons claim 74 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 60-93 and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention would not have been obvious to a person having

44

ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 60-93.

In the event that this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY LLP

Majid S. AlBassam
Attorney for Applicant(s)
Registration No. 54,749

Atty. Docket No.: 060282.00294

8000 Towers Crescent Drive, 14th Floor
Tysons Corner, VA 22182-2700
Tel: (703) 720-7800
Fax (703) 720-7802

MSA:jf

Encls: Appendix 1 - Claims on Appeal
       Appendix 2 - Evidence
       Appendix 3 - Related Proceedings

APPENDIX 1

CLAIMS ON APPEAL

1-59 (Cancelled)

60.   (Previously Presented) A method, comprising:

requesting, by a terminal, a specified service to be at a disposition of said terminal,

wherein the terminal is configured to perform communication via at least one

communication network, each network being equipped with service processing entities;

analyzing said request by an analyzing entity associated with said at least one

communication network, said analyzing entity configured to be associable with a plurality

of communication networks;

deciding, by said analyzing entity, that said requested specified service is

associated with a specific one of said service processing entities of a specific one of said

at least one communication network; and

in response to said decision, routing communication messages associated with

said terminal via said analyzing entity to said specific one of said service processing

entities within said specified communication network.

61.   (Previously Presented) The method according to claim 60, wherein the

requesting said specified service comprises indicating said specified service in a request

message.

62.   (Previously Presented) The method according to claim 61, wherein the

indicating said specified service comprises carrying a service identifier in said request message.

63.   (Previously Presented) The method according to claim 62, wherein said carrying said identifier comprises carrying the identifier in the user data payload in said request message.

64.   (Previously Presented) The method according to claim 62, wherein said carrying said identifier comprises carrying the identifier in a header of said request message.

65.   (Previously Presented) The method according to claim 62, further comprising:

piggybacking said identifier to said header.

66.   (Previously Presented) The method according to claim 61, further comprising:

including at least a subscriber identifier in said request message.

67.   (Previously Presented) The method according to claim 66, further comprising:

detecting that said request message does not comprise a service identifier; and

in response thereto, retrieving said service identifier based on said subscriber

identifier from a database entity.

68.   (Previously Presented) The method according to claim 62, further comprising:

configuring said service identifier to comprise at least one of a network code and a service code.

69.   (Previously Presented) The method according to claim 67, further comprising:

configuring said service identifier to comprise at least one of a network code and a service code.

70.   (Previously Presented) The method according to claim 68, further comprising:

configuring said network code to represent a respective one of said communication networks.

71.   (Previously Presented) The method according to claim 68, further comprising:

configuring said service code to represent a respective one of said services to be processed at the corresponding service processing entity.

72.   (Previously Presented) The method according to claim 60, further

comprising:

configuring said communication networks to be distinguishable by at least one of the network type and the network operator.

73. (Previously Presented) The method according to claim 60, further comprising:

configuring said services to be distinguishable by at least one of the terminal type, subscriber identifier, subscriber profiles, manufacturer of the terminal, capabilities of the terminal, or vendor of the terminal.

74. (Previously Presented) A system, comprising:

a request unit, at a terminal, configured to request a specified service to be at a disposition of said terminal, wherein said terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities;

an analyzing entity associated with said at least one communication network configured to analyze said request, said analyzing entity configured to be associable with a plurality of communication networks;

a decision unit, at said analyzing entity, configured to decide that said requested specified service is associated with a specific one of said service processing entities of a specific one of said at least one communication network; and

a routing unit, responsive to said decision unit, configured to route communication messages associated with said terminal via said analyzing entity to said specific one of

49

said service processing entities within said specified communication network.

75. (Previously Presented) The system according to claim 74, wherein said request unit is configured to indicate said specified service in a request message.

76. (Previously Presented) The system according to claim 75, wherein said request unit is configured to indicate said specified service by a service identifier carried in said request message.

77. (Previously Presented) The system according to claim 76, wherein said identifier is configured to be carried in the user data payload in said request message.

78. (Previously Presented) The system according to claim 75, wherein said identifier is configured to be carried in a header of said request message.

79. (Previously Presented) The system according to claim 80, wherein said identifier is configured to be piggybacked to said header.

80. (Previously Presented) The system according to claim 75, wherein said request message comprises at least a subscriber identifier.

81. (Previously Presented) The system according to claim 80, further comprising:

a detection unit configured to detect that said request message does not comprise a service identifier; and

a retrieval unit configured to retrieve said subscriber identifier from a database entity.

82.   (Previously Presented) The system according to claim 76, wherein said service identifier comprises at least one of a network code and a service code.

83.   (Previously Presented) The system according to claim 81, wherein said service identifier comprises at least one of a network code and a service code.

84.   (Previously Presented) The system according to claim 82, wherein said network code is configured to represent a respective one of said communication networks.

85.   (Previously Presented) The system according to claim 82, wherein said service code is configured to represent a respective one of said services to be processed at the corresponding service processing entity.

86.   (Previously Presented) The system according to claim 74, wherein said communication networks are configured to be distinguishable by at least one of the network type or the network operator.

87.   (Previously Presented) The system according to claim 74, wherein said services are configured to be distinguishable by at least one of the terminal type, subscriber identifier, subscriber profiles, manufacturer of the terminal, capabilities of the terminal, or vendor of the terminal.

88.   (Previously Presented) The method according to claim 61, wherein said request message is configured to be transported using the session initiation protocol.

89.   (Previously Presented) The system according to claim 75, wherein said request message is configured to be transported using the session initiation protocol.

90.   (Previously Presented) An analyzing entity, comprising:

a receiver configured to receive a request for a specified service to be at a disposition of a terminal, wherein the terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities;

a processor configured to analyze the request;

a decider configured to decide whether the requested specified service is associated with a specific one of said service processing entities of a specific one of said at least one communication network; and

a router, configured, in response to a decision of the decider, to route communication messages associated with said terminal to said specified service processing entity within said specified communication network,

wherein the analyzing entity is associated with said at least one communication network, and configured to be associable with a plurality of communication networks.

91.   (Previously Presented) A terminal, comprising:

requesting means for sending a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with said at least one communication network for analyzing the request, said analyzing entity configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network; and

sending means for sending messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity,

wherein the terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities.

92.   (Previously Presented) A system, comprising:

requesting means, at a terminal, for requesting a specified service to be at a disposition of said terminal, wherein said terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities;

an analyzing entity associated with said at least one communication network for

analyzing said request, said analyzing entity configured to be associable with a plurality of communication networks;

deciding means, at said analyzing entity, for deciding that said requested specified service is associated with a specific one of said service processing entities of a specific one of said at least one communication network; and

routing means, responsive to said decision for routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network.

93.   (Previously Presented) A terminal, comprising:

a requesting entity configured to send a request that a specified service to be at a disposition of the terminal to an analyzing entity associated with said at least one communication network for analyzing the request, said analyzing entity configured to be associable with a plurality of communication networks and configured to decide that the specified service is associated with a specific one of the service processing entities of a specific one of the at least one communication network; and

a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity,

wherein the terminal is configured to perform communication via at least one communication network, the network being equipped with service processing entities.

APPENDIX 2

EVIDENCE APPENDIX

No evidence under section 37 C.F.R. 1.130, 1.131, or 1.132 has been entered or

will be relied upon by Appellants in this appeal.

APPENDIX 3

RELATED PROCEEDINGS APPENDIX

No decisions of the Board or of any court have been identified under 37 C.F.R.

§41.37(c)(1)(ii).